

that claims 40 and 41 have not been rejected under art. Accordingly, Applicant has assumed that these claims contain allowable subject matter. Further, for the reasons discussed below, Applicant asserts claims 28-39 are also allowable.

The drawings are objected to for failing to show every feature of the invention specified in the claims. Figure 8 has been added responsive to the objection. Support for the features recited in paragraphs 2 (a), (b) and (c) of the Office Action can, at least, be found on pages 3-7 of the original specification. No new matter has been added. It is respectfully requested the objection be withdrawn.

Claims 42-54 are rejected under 35 U.S.C. §101 because claims are directed to non-statutory subject matter. The Office Action states that the claims are directed to neither a "process" nor a "machine," but rather embrace or overlap two different statutory classes of invention. The rejection of claim 42 has been rendered moot by the cancellation of claim 42. Claims 43-54 have been amended responsive to the rejection. It is respectfully requested the rejection be withdrawn.

Claims 28-55 are rejected under 35 U.S.C. §112, second paragraph, for being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The rejection of claim 42 has been rendered moot by the cancellation of claim 42. Specific language in claims 28, 32 and 34 is specified as forming a basis for the rejection. Thus, claims 28, 32 and 34 have been amended responsive to the rejection. However, page 4 of the Office Action states that in claim 28, the phrase "in a case that said third data which is retrieved", is unclear because the third data is retrieved in all cases. Applicant respectfully asserts that the feature, at least, determines if third data which is retrieved matches the third data which is recorded. Thus, Applicant respectfully asserts the claim language is clear. Further, the Office Action states that claims 29-38 and 40-55 are indefinite because the claims fail to recite additional method steps and claims 42-55 are rejected because the claims are directed to neither a "process" nor a "machine," but rather

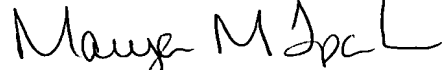
embrace or overlap two different statutory classes of invention. Claims 29-38 and 40, 41 and 43-55 have been amended responsive to the rejection. It is respectfully requested the rejection be withdrawn.

Claims 28-39, as understood by the Examiner, are rejected under 35 U.S.C. §102(e) as being anticipated by Suzuki, U.S. Patent No. 6,129,274 and claims 30-39, as understood by the Examiner, are alternatively rejected under 35 U.S.C. §103(a) over Suzuki. The rejections of claims 28-39 have been rendered moot by the incorporation of the features of allowable claim 42 into claim 28, from which claims 29-39 depend. It is respectfully requested the rejections be withdrawn.

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance of claims 28-41 and 43-55 are respectfully requested.

Should the Examiner believe that anything further is necessary to place the application in condition for allowance, the Examiner is invited to contact Applicant's undersigned attorney at the telephone number listed below.

Respectfully submitted,



James A. Oliff

Registration No. 27,075

Maryam M. Ipakchi

Registration No. 51,835

JAO:MMI

Attachments:

Appendix

Request for Continued Examination

Request for Approval of Drawing Addition

Petition for Extension of Time

Date: December 23, 2002

OLIFF & BERRIDGE, PLC

P.O. Box 19928

Alexandria, Virginia 22320

Telephone: (703) 836-6400

**DEPOSIT ACCOUNT USE
AUTHORIZATION**

Please grant any extension
necessary for entry;

Charge any fee due to our
Deposit Account No. 15-0461

APPENDIX

Changes to Specification:

The following is a marked-up version of the amended paragraph:

Page 11, lines 25-26:

Fig. 86 is a block diagram illustrating the configuration of a system according to the invention.

Page 25, between lines 22 and 23, a new paragraph is added.

Changes to Claims:

Claim 42 is canceled.

The following is a marked-up version of each amended claim:

28. (Amended) A data providing method for providing a purchaser with a first data, ~~such that a purchase request of which is made by said the purchaser,~~ from a data providing system, the data providing system comprising a data delivery portion for delivering the first data in order to provide the purchaser with the first data, and a data intermediate portion connected with the data delivery portion via a communication line, for intermediating between the data delivery portion and the purchaser, and said the purchaser having a purchaser rewritable record medium in which said the first data, a second data representing an identification information of said the purchaser and a third data representing a purchase information of said the first data can be recorded, by the data providing system, said the method comprising:

retrieving said the third data of said the purchaser, which is registered for every purchaser in said the data providing system, based on said the second data recorded in said the purchaser rewritable record medium, when the purchase request of said the first data is made by said the purchaser;

performing an accounting operation for providing ~~said~~the purchaser with ~~said~~the first data, ~~the purchase request of which is made by said~~the purchaser, in a case that ~~said~~ when the third data which is retrieved, is matched with ~~said~~the third data which is recorded in ~~said~~the purchaser rewritable record medium; and

recording in ~~said~~the purchaser rewritable record medium ~~said~~the first data and ~~said~~the third data for representing the purchase information of ~~said~~the first data, when the accounting operation is finished; and

registering in ~~said~~the data providing system ~~said~~the third data for representing the purchase information of ~~said~~the first data, when ~~said~~the accounting operation is finished.

29. (Amended) The data providing method according to claim 28, wherein:
the step of recording in the purchaser rewritable record medium the first data and the
third data for representing the purchase information of the first data, when the accounting
operation is finished, comprises recording in the purchaser rewritable record medium the
purchase information which includes an accounting information representing the accounting
operation; and

the step of registering in the data providing system the third data for representing the
purchase information of the first data, when the accounting operation is finished comprises
registering in the data providing system ~~said~~the purchase information which includes an
accounting information representing ~~said~~the accounting operation.

30. (Amended) The data providing method according to claim 29, ~~wherein said~~
accounting information includes; wherein:

the step of recording in the purchaser rewritable record medium the first data and the
third data for representing the purchase information of the first data, when the accounting
operation is finished, comprises recording in the purchaser rewritable record medium the
accounting information which includes:

a deposited money amount information representing an amount of money which is deposited for purchasing the first data;

a paid money amount information representing an amount of money which is paid for purchasing the first data; and

a balance amount information representing a balance after the first data has been purchased; and

the step of registering in the data providing system the third data for representing the purchase information of the first data, when the accounting operation is finished comprises registering in the data providing system the accounting information which includes the deposited money amount information, the paid money amount information, and the balance amount information.

~~a deposited money amount information for representing an amount of deposited money which is deposited in order to purchase said first data;~~

~~a paid money amount information for representing an amount of paid money which is paid in order to purchase said first data; and~~

~~a balance amount information for indicating a balance after said first data is purchased.~~

31. (Amended) The data providing method according to claim 28, wherein:
the step of recording in the purchaser rewritable record medium the first data and the third data for representing the purchase information of the first data, when the accounting operation is finished, comprises recording in the purchaser rewritable record medium the purchase information which includes said purchase information includes a data specification information for specifying a data specification information -saying specifying the first data for which the -when said accounting operation is finished; and

the step of registering in the data providing system the third data for representing the purchase information of the first data comprises registering in the data providing system the purchase information which includes the data specification information specifying the first data for which the accounting operation is finished.

32. (Amended) The data providing method according to claim 31, wherein the step of recording in the purchaser rewritable record medium the first data and the third data for representing the purchase information of the first data, when the accounting operation is finished, comprises recording in the purchaser rewritable record medium the purchase information which includes a data specification information which includes: ~~wherein said data specification information includes:~~

_____ a title information for representing a title of said the first data;

_____ a purchase price information for representing a purchase price of said the first data; and

_____ a purchase date and time information for representing a date and time when said the first data is purchased; and

the step of registering in the data providing system the third data for representing the purchase information of the first data, when the accounting operation is finished comprises registering in the data providing system the purchase information which includes the title information, the purchase price information and the purchase date and time information.

33. (Amended) The data providing method according to claim 28, wherein:
the step of recording in the purchaser rewritable record medium the first data and the third data for representing the purchase information of the first data, when the accounting operation is finished, comprises recording in the purchaser rewritable record medium the purchase information of the first data which includes ~~said purchase information includes:~~

_____ an accounting information for representing ~~said~~the accounting operation; and-

_____ a data specification information for specifying ~~said~~the first data when ~~said~~the accounting operation is finished; and

the step of registering in the data providing system the third data for representing the purchase information of the first data, when the accounting operation is finished comprises registering in the data providing system comprises the purchase information which includes the accounting information and the data specification information.

34. (Amended) _____ The data providing method according to claim 33, wherein the step of ~~said~~-retrieving ~~said~~the third data of ~~said~~the purchaser comprises is- set to-retrieving at least one information from ~~said~~the accounting information and ~~said~~the data specification information, and

the step of ~~wherein said~~-performing ~~said~~the accounting operation comprises performing the accounting operation when, for which information retrieved by ~~said~~the step of retrieving ~~said~~the third data of ~~said~~the purchaser is matched with an information which corresponds to ~~said~~the retrieved information and is recorded in ~~said~~the purchaser rewritable record

_____ ~~a balance amount information for indicating a balance after purchasing said first data.~~

35. (Amended) _____ The data providing method according to claim 28, wherein: the step of recording in the purchaser rewritable record medium the first data and the third data for representing the purchase information of the first data, when the accounting operation is finished, comprises recording in the purchaser rewritable record medium the purchase information which includes:

_____ a title information representing a title of the first data;

a purchase date and time information representing a date and time when the first data is purchased;

a deposited money amount information representing an amount of deposited money which is deposited for purchasing the first data;

a paid money amount information representing an amount of money which is paid for purchasing the first data; and

a balance amount information representing a balance after the first data has been purchased; and

the step of registering in the data providing system the third data for representing the purchase information of the first data, when the accounting operation is finished comprises registering in the data providing system the purchase information which includes the title information, the purchase date and time information, the deposited money amount information, the paid money amount information, and the balance amount information.
said purchase information includes:

~~—— a title information for representing a title of said first data;~~

~~—— a purchase data and time information for representing a date and time when said first data is purchased;~~

~~—— a deposited money amount information for representing an amount of deposited money which is deposited in order to purchase said first data;~~

~~—— a paid money amount information for representing an amount of paid money which is paid in order to purchase said first data; and~~

~~—— a balance amount information for indicating a balance after purchasing said first data.~~

36. (Amended) The data providing method according to claim 28, wherein said the step of performing said the accounting operation comprises:

~~a determination process for determining, with a determination process, whether said the purchaser meets a predetermined data purchase requirement or not, based on said the second data; and~~

~~an accounting performing process for performing, with an accounting performing process, said the accounting operation when it is determined by said the determination process that said the data purchase requirement is met.~~

37. (Amended) The data providing method according to claim 36, wherein the step of determining, with a determination process, whether the purchaser meets a predetermined data purchase requirement or not, based on the second data further comprises said data purchase requirement is an age limit requirement representing, with a data purchase requirement, an age capable of purchasing said the first data.

38. (Amended) The data providing method according to claim 28, wherein: the step of said-recording in said the purchaser rewritable record medium further comprises accumulating said the first data is set to accumulate said third data in said the purchaser rewritable record medium, and
the step of registering in the data providing system further comprises accumulating the third data in said the data providing system every time when said the accounting operation is finished.

40. (Amended) The data providing method according to claim 28, further comprising controlling wherein said the third data, which is registered in said the data providing system, is controlled such that said the purchaser can-not rewrite said the third data.

41. (Amended) The data providing method according to claim 28, further comprising using wherein said the purchaser rewritable record medium that is a record medium having only a recording function as a function.

43. (Amended) The data providing method according to claim 2842, further comprising registering, wherein ~~said~~the third data, ~~is registered in said~~the data delivery portion.

44. (Amended) The data providing method according to claim 2843, wherein ~~said~~the step of performing the accounting operation is performed by ~~said~~the data delivery portion.

45. (Amended) The data providing method according to claim 44, wherein ~~said~~the step of retrieving ~~said~~the third data of ~~said~~the purchaser comprises:
~~a transmission process for transmitting, with a transmission process, said~~the second data and ~~said~~the third data recordings in ~~said~~the purchaser rewritable record medium from ~~said~~the data intermediate portion to ~~said~~the data delivery portion via ~~said~~the communication line; and

~~a retrieval process for retrieving, by said~~the data delivery portion, ~~via a retrieval process, said~~the third data registered in ~~said~~the data delivery portion, based on ~~said~~the second data transmitted by ~~said~~the transmission process, and

wherein the step of ~~said~~ performing ~~said~~the accounting operation comprises:

~~a determination process for determining, by said~~the data delivery portion, ~~via a determination process, whether said~~the third data transmitted by ~~said~~the transmission process is matched with ~~said~~the third data retrieved by ~~said~~the retrieval process or not; and

~~an accounting performing process for performing, by the data delivery portion, via an accounting performing process, said~~the accounting operation ~~process~~ when it is determined by ~~said~~the determination process that the matching is obtained.

46. (Amended) The data providing method according to claim 2842, further comprising ~~wherein said third data is registered~~ the third data in ~~said~~the data intermediate portion.

47. (Amended) The data providing method according to claim 2842, wherein the steps of said-retrieving saidthe third data and said-performing saidthe accounting operation are performed by saidthe data intermediate portion.

48. (Amended) The data providing method according to claim 2842, wherein the steps of retrieving, performing, recording and registering comprise using as saidthe data intermediate portion, is-a data processing apparatus installed in a shop which sells saidthe first data to saidthe purchaser.

49. (Amended) The data providing method according to claim 48, wherein: the step of said-recording in saidthe purchaser rewritable record medium saidthe first data comprises:

a transmission process for transmitting, via a transmission process, saidthe first data from saidthe data delivery portion to saidthe data intermediate portion via saidthe communication line every time when saidthe accounting operation is finished; and

a record process for recording, by saidthe data intermediate portion, via a record process, saidthe first data which is transmitted by saidthe transmission process and saidthe third data relating to saidthe first data, in saidthe purchaser rewritable record medium every time when saidthe accounting operation is finished; and

a register process for the step of registering in the data providing system comprises registering, by saidthe data delivery portion, via a registering process, saidthe third data relating to saidthe first data for which saidthe accounting operation is finished in saidthe data delivery portion every time when saidthe accounting operation is finished.

50. (Amended) The data providing method according to claim 48, wherein: said the step of recording in saidthe purchaser rewritable medium saidthe first data comprises:

_____ a transmission process for transmitting, via a transmission process, said the first data from said the data delivery portion to said the data intermediate portion in advance; and

_____ a record process for recording, by said the data intermediate portion, via a recording process, said the first data which is transmitted by said the transmission process and for which when said the accounting operation is finished, and said the third data relating to said the first data in said the purchaser record medium every time when said the accounting operation is finished; and

the step of registering in the data providing system comprises a register process for registering, by said the data delivery portion, via a registering process, said the third data relating to said the first data for which said the accounting operation is finished, in said the data delivery portion every time when said the accounting operation is finished.

51. (Amended) The data providing method according to claim 50, wherein said the transmission process is set to transmit said the first data from said the data delivery portion to said the intermediate portion by distributing a data record medium in which said the first data is recorded, from said the data delivery portion to said the data intermediate portion, in advance.

52. (Amended) The data providing method according to claim 48, wherein: the step of recording in the purchaser rewritable record medium the first data and the third data for representing the purchase information of the first data, when the accounting operation is finished, comprises recording in the purchaser rewritable record medium the purchase information which includes an accounting information representing the accounting operation, and the accounting information includes a deposited money amount information representing an amount of deposited money which is deposited for purchasing the first data, a paid money amount information representing an amount of money which is paid for

purchasing the first data, a balance amount information indicating a balance after purchasing the first data, an accounting date and time information representing a date and time when the accounting operation is performed, and a shop information representing the data sale shop where a sale of the first data is performed, and

the step of registering in the data providing system the third data for representing the purchase information of the first data, when the accounting operation is finished comprises registering in the data providing system the purchase information which includes the accounting information and the accounting said purchase information includes an accounting information representing said accounting operation, and

wherein said accounting information includes a the deposited money amount information for representing an amount of deposited money which is deposited in order to purchase said first data, thea paid money amount information for representing an amount of paid money which is paid in order to purchase said first data, at the balance amount information for indicating a balance after purchasing said first data, an the accounting datea and time information for representing a date and time when said accounting operation is performed, and at the shop information for representing said data sale shop when a sale of said first data is performed.

53. (Amended) The data proving method according to claim 48, wherein:

the step of recording in the purchaser rewritable record medium the first data and the third data for representing the purchase information of the first data, when the accounting operation is finished, comprises recording in the purchaser rewritable record medium the purchase information which includes a data specification information specifying the purchased first data, and the data specification information includes a title information representing a title of the first data, a purchase price information representing a purchase price of the first data, a shop information representing a shop in which the first data is

purchased, a purchase date and time information representing a date and time when the first data is purchased, and an apparatus information representing the data processing apparatus which writes the first data, and

the step of registering in the data providing system the third data for representing the purchase information of the first data, when the accounting operation is finished comprises registering in the data providing system the purchase information which includes a data specification information specifying the purchased first data, and said purchase information includes data specification information for specifying said purchased first data, and
~~wherein said~~the data specification information includes the a title information for
~~representing a title of said first data, at~~the purchase price information for representing a
~~purchase price of said first data, the~~a shop information for representing a shop for which said
~~first data is purchased, at~~the purchase date and time information for representing a date and
~~time when said~~
~~first data is purchased, and a machine~~the apparatus information for representing said data sale
~~machine when a writing of said first data is performed.~~

54. (Amended) The data providing method according to claim 48, wherein:
the step of recording in the purchaser rewritable record medium the first data and the
third data for representing the purchase information of the first data, when the accounting
operation is finished, comprises recording in the purchaser rewritable record medium the
purchase information which includes:

a title information representing a title of the first data;

a deposited money amount information representing an amount of deposited
money which is deposited for purchasing the first data;

a paid money amount information representing an amount of paid money
which is paid for purchasing the first data;

a balance amount information representing a balance after purchasing the first data;

a purchase date and time information representing a date and time when the first data is purchased;

a shop information representing a shop in which the first data is purchased;
and

an apparatus information representing the data processing apparatus which writes the first data, and

the step of registering in the data providing system the third data for representing the purchase information of the first data, when the accounting operation is finished comprises registering in the data providing system the purchase information which includes the said purchase information includes:

~~—— a the title information, for representing a title of said purchased first data,~~

~~—— a the deposited money amount information, for representing an amount of deposited money which is deposited in order to purchase said first data,~~

~~—— a the paid money amount information, for representing an amount of paid money which is paid in order to purchase said first data,~~

~~a the balance amount information, for indicating a balance after purchasing said first data,~~

~~a the purchase date and time information, for representing a purchase date and time of said first data,~~

~~—— a the shop information for representing said data sale shop when said first data is purchased, and~~

~~_____ a the apparatus informationsale machine information for representing said data sale machine through which writing of said first data is performed in said purchaser rewritable record medium.~~

55. (Amended) The data providing method according to claim 2842, further comprising using, as wherein said the data intermediate portion, is a data processing apparatus installed in said the purchasers side.